

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10825-RWZ

BABCOCK BORSIG POWER GmbH

v.

BABCOCK POWER, INC.

ORDER CONCERNING SPECIAL MASTER

December 20, 2005

ZOBEL, D.J.

Pursuant to Fed. R. Civ. P. 53, and with the agreement of all parties, Herbert H. Hershfang is appointed special master to manage the discovery process in this case. The special master shall resolve all discovery disputes by ruling or agreement and shall report to the court only such matters as he determines to be beyond his authority.

The special master shall be paid at the rate of \$300.00 per hour for time spent in hearings or conferences with counsel, time spent preparing for hearings and conferences, and time devoted to researching and/or writing decisions. Such compensation shall be paid by one or both parties in such proportion as the special master shall direct, based upon his determination of a party's responsibility for unreasonably causing disputes.

DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE